

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.28314 of 2017

& CRL.MP.NO.4847 OF 2018

V.P.VELUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
TIRUPPUR,
CR.NO.56 OF 2014.

N.RAVIKUMAR

[PETITIONER / INTERVENOR]

[Ordered as per order of this Court dated 21/08/2018 made in
CRL.MP.NO.4847 OF 2018 IN CRL.OP.NO.28314 OF 2018]

For Petitioner : MR.A.RAMESH SENIOR COUNSEL FOR
M/S.R.BASKAR Advocate

For Respondent : PUBLIC PROSECUTOR

For Intervenor : M/S.R.KARUNAGARAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

This is the third anticipatory bail application and in
Crl.O.P.No.26568 of 2014 (first application for anticipatory bail),
this Court has discussed the facts of the case in detail and has
dismissed the same on 23.12.2014.

2. Heard Mr.A.Ramesh, learned Senior Counsel representing
Mr.R.Baskar, learned counsel on record for the petitioner, learned
Additional Public Prosecutor appearing for the State and the learned
counsel for the de facto complainant.

3. The facts of the case that have been set out in para 2 of
the order dated 23.12.2014 in Crl.O.P.No.26568 of 2014, read as
under:

"2. The case of the prosecution is that the
land originally belong to one Rangasamy and his
family which included one Ramasamy. Rangasamy and

others have given power of attorney in favour of one Subbaian on 09.03.1994. On the strength of the power of attorney, Subbaian by a deed of sale dated 06.07.2001 sold the lands to Palaniammal, who in turn sold the lands to Jagathambal. The de facto complainant is the husband of Jagadambal. While so, it appears that after the death of Ramasamy his heirs and the petitioners in Crl.O.P.No.28401 of 2014 executed the power of attorney to the same lands to one Velusamy, who in turn sold the lands to Abdul Rahman. Abdul Rahman has given the power of attorney to Jayamurugan, the petitioner in Crl.O.P.No.27304 of 2014. Jayamurugan has made it into plots, sold it to various persons. It is clear that the accused has no title and interest in the land, but they have sold the same to others."

4. The allegations against the petitioner is that for the lands that were sold on 06.07.2001, the heirs of Ramsamy had executed a Power of Attorney of the same lands to the petitioner herein and on the strength of the Power of Attorney, the petitioner sold the lands to Abdul Rahman.

5. Mr.A.Ramesh, learned Senior Counsel contended that the petitioner was not aware of the sale deed dated 06.07.2001, since the Encumbrance Certificate did not disclose the same. He further contended that after the dismissal of the anticipatory bail petition, the petitioner appeared several times before the police and co-operated in the investigation and therefore, there is no possibility of the petitioner absconding.

6. Per contra, learned counsel for the de facto complainant submitted that the petitioner cannot plead ignorance of the earlier sale, inasmuch as the petitioner was a witness to the receipt dated 28.09.1994, which contains the necessary recitals to show that the land has already been sold. However, the petitioner has filed an affidavit dated 22.07.2018 denying his signature in the said receipt and disputing the very validity of the receipt. On a cursory comparison of the signature in the disputed receipt with the signature in the affidavit, this Court is unable to infer that the petitioner had not signed the disputed receipt.

7. Be that as it may, the petitioner belongs to the local village and he knows the parties very well. In the confession statements of the arrested accused, the petitioner has been implicated.

This Court does not find any change in fact situation for granting the relief of anticipatory bail. Taking into consideration the nature of the allegations against the petitioner and the magnitude of the offence, this petition is dismissed.

-sd/-

21/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING
SPECIAL CELL, TIRUPPUR.

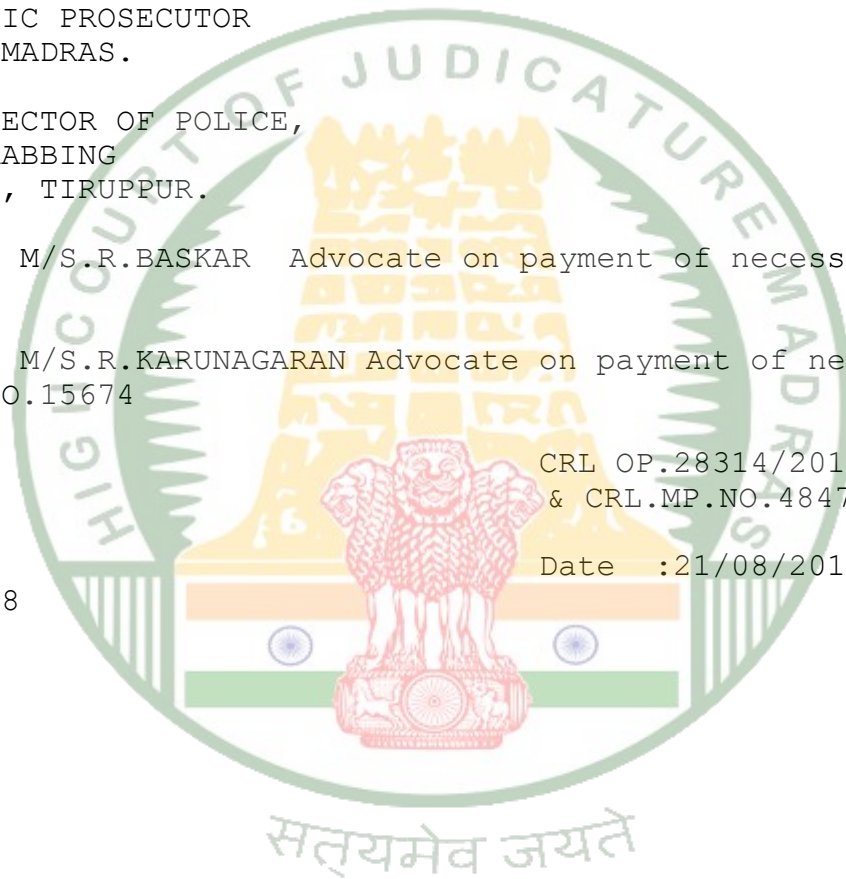
+3CC to M/S.R.BASKAR Advocate on payment of necessary charges
SR NO.15845

+1CC to M/S.R.KARUNAGARAN Advocate on payment of necessary
charges SR NO.15674

CRL OP.28314/2017
& CRL.MP.NO.4847 OF 2018

Date :21/08/2018

MK:24/08/2018



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